

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Writ Petition No. 1568 (S/S) of 2005

Ram Bahadur Singh Tomar,
Son of Sri Pyare Singh Tomar,
74, Saket Colony, Block – B,
Ajabpur Kalan,
District – Dehradun.

..... Petitioner.

Versus.

1. Uttaranchal Pey Jal through its Managing Director, Dehradun, Uttaranchal.
2. The Managing Director, Uttaranchal Sansadhan Vikas and Nirman Nigam, Dehradun, Uttaranchal.
3. U.P. Jal Nigam through its Managing Director, 6, Rana Pratap Marg, Lucknow.

..... Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Chauhan, learned counsel for the petitioner, Sri D.S. Patni, learned counsel for respondents no. 1 and 2 and Sri Sudhir Singh, learned counsel for respondent no. 3.

Petitioner, who working as Junior Engineer in Uttaranchal Pey Jal Nigam and posted in Uttarkashi, has challenged the order dated 30.09.2005 passed by respondent no. 1 by which petitioner has been transferred from Uttaranchal Pey Jal Nigam to U.P. Jal Nigam.

Learned counsel for the petitioner has submitted that petitioner was appointed as Junior Engineer on 19.09.1983 and since 1983 till the creation of State of Uttarnchal petitioner has served in the Hill areas in the State of U.P. and he has opted for Hill Sub Cadre on 26.02.1993 prior to the cut off date i.e. 03.09.1994, which was fixed by the department.

Sri. D.S. Patni, learned counsel for the respondents no.1 and 2 has submitted that due to non-availability of records, as the same could not be furnished by U.P. Jal Nigam, no decision could be taken on the option given by the petitioner for Hill Sub Cadre.

Learned counsel for the respondent no. 3 has submitted that U.P. Jal Nigam has already furnished the records of those employees who are working in the State of Uttaranchal and had opted for Hill Sub Cadre on 05.10.2005.

The submission of the petitioner is that he has been transferred and relieved for U.P. Jal Nigam without taking decision on his option dated 26.02.1993.

In view of the aforesaid circumstances, respondent no. 1 i.e. Managing Director, Uttaranchal Pey Jal Nigam, Dehradun is directed to take decision on the Petitioner's option dated 26.02.1993 for Hill Sub Cadre within a period of three weeks from the date of production of certified copy of this order and the petitioner is directed to produce the certified copy of this order before respondent no. 1 within a period of one week's from today. Till the decision is taken on the petitioner's option, transfer order dated 30.09.2005 passed by respondent no. 1 shall be kept in abeyance.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

October 25, 2005
SK Sharma